



Sen. Michael Bond

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1 AMENDMENT TO SENATE BILL 206

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 206 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 adding Section 45-57 as follows:

6 (30 ILCS 500/45-57 new)

7 Sec. 45-57. Disabled veterans.

8 (a) It is the goal of the State to promote and encourage  
9 the continued economic development of businesses owned and  
10 controlled by qualified disabled veterans and that businesses  
11 owned by qualified disabled veterans participate in the State's  
12 procurement process as both prime and subcontractors. A Task  
13 Force shall be established, appointed by the Directors or  
14 Secretaries of, and made up of representatives of, the Illinois  
15 Department of Veterans Affairs, the Illinois Department of  
16 Transportation, the Department of Central Management Services,

1 the Business Enterprise Program, and the Business Enterprise  
2 Council. The purpose of this Task Force shall be to determine  
3 the appropriate percentage goal for award each fiscal year of  
4 the State's total expenditures for contracts awarded under this  
5 Code to qualified disabled veterans. That portion of a contract  
6 under which the contractor subcontracts with a qualified  
7 disabled veteran may be counted toward the goal of this  
8 subsection. In making that determination the Task Force shall  
9 consult with statewide veterans service organizations and the  
10 business community, including businesses owned by qualified  
11 disabled veterans.

12 (b) Once the appropriate goal is established, then by each  
13 September 1, each chief procurement officer shall report to the  
14 Department of Central Management Services on all of the  
15 following for the immediately preceding fiscal year, and by  
16 each October 1 the Department of Central Management Services  
17 shall compile and report that information to the General  
18 Assembly:

19 (1) The number of qualified disabled veterans who  
20 submitted a bid for a contract under this Code.

21 (2) The number of qualified disabled veterans who  
22 entered into contracts with the State under this Code and  
23 the total value of those contracts.

24 (3) Whether the State achieved the goal described in  
25 subsection (a).

26 (4) The recommendations described in subsection (c).

1       (c) Each year, each chief procurement officer shall review  
2 the progress of all State agencies under its jurisdiction in  
3 meeting the goal described in subsection (a), with input from  
4 statewide veterans' service organizations and from the  
5 business community, including businesses owned by qualified  
6 disabled veterans, and shall make recommendations to be  
7 included in the Department of Central Management Services'  
8 report to the General Assembly regarding continuation,  
9 increases, or decreases of the percentage goal. The  
10 recommendations shall be based upon the number of businesses  
11 that are owned by qualified disabled veterans and on the  
12 continued need to encourage and promote businesses owned by  
13 qualified disabled veterans.

14       (d) To assist the State in reaching the goal described in  
15 subsection (a), the Governor shall recommend to the General  
16 Assembly changes in programs to assist businesses owned by  
17 qualified disabled veterans.

18       (e) As used in this Section:

19       "Business" means a business that has average annual gross  
20 sales over the 3 most recent calendar years of less than  
21 \$31,000,000 as evidenced by the federal income tax return of  
22 the business.

23       "Control" means the exclusive or ultimate and sole control  
24 of the business, including but not limited to capital  
25 investment and all other financial matters, property,  
26 acquisitions, contract negotiations, legal matters,

1 officer-director-employee selection and comprehensive hiring,  
2 operation responsibilities, cost-control matters, income and  
3 dividend matters, financial transactions, and rights of other  
4 shareholders or joint partners. Control shall be real,  
5 substantial, and continuing, not pro forma. Control shall  
6 include the power to direct or cause the direction of the  
7 management and policies of the business and to make the  
8 day-to-day as well as major decisions in matters of policy,  
9 management, and operations. Control shall be exemplified by  
10 possessing the requisite knowledge and expertise to run the  
11 particular business, and control shall not include simple  
12 majority or absentee ownership.

13 "Qualified disabled veteran" means a veteran who has been  
14 found to have a service-connected disability by the United  
15 States Department of Veterans Affairs or the United States  
16 Department of Defense.

17 "Qualified disabled veteran-owned business" means a  
18 business entity that is at least 51% owned by one or more  
19 qualified disabled veterans, or in the case of a corporation,  
20 at least 51% of the stock of which is owned by one or more  
21 qualified disabled veterans; and the management and daily  
22 business operations of which are controlled by one or more of  
23 the qualified disabled veterans who own it.

24 "Service-connected disability" means a disability incurred  
25 or aggravated in the line of duty in the active military,  
26 naval, or air service as described in 38 USC 101(16).

1       "Veteran" means a person who served pursuant to an  
2 enlistment in the active military, naval, or air service and  
3 who was discharged or released from his or her service under  
4 conditions other than dishonorable.

5       (f) The Illinois Department of Veteran's Affairs and the  
6 Department of Central Management Services Business Enterprise  
7 Program shall work together to devise a certification procedure  
8 to assure that businesses taking advantage of this Act are  
9 legitimately classified as qualified disabled-veteran owned  
10 businesses."